

*Judicial Liaison Committee
United States Bankruptcy Court
Southern District of Ohio at Cincinnati*

Meeting Minutes – May 13, 2016

Members Present:

Judge Buchanan
Marge Burks
Frank DiCesare
Ed Boll
Steve Crowe
Nick Zingarelli
Casey Cantrell Swartz
Andrew Simon
Anthony Ryan Cunningham
Cindy Doyle
Harold Jarnicki
Monica Kindt
Chairperson : *Susan Argo*

Chairperson Susan Argo called the meeting to order at approximately 12 p.m.

Housekeeping matters:

- Recording on minutes will be done on a rotating basis. Casey Cantrell Swartz will record minutes for the May 13, 2016 meeting. Marge Burks agrees to record minutes for the September 2016 meeting.

Substantive Matters:

- The minutes from the September 11, 2015 were reviewed. Marge Burks moved to accept the minutes, Andrew Simon seconded the motion. All approved.
- Judge Buchanan requested that minutes be prepared and send to the Committee for approval within two weeks of each meeting. The Committee approved this request.
- Creditor representative and consumer bankruptcy representatives will be rotating off the Committee after this meeting. The Nominating Committee will meet over the summer to select the new representatives.
- Town Hall Meeting scheduled for May 17th. Currently there is not a lot of feedback from the bar on topics. Frank DiCesare will re-send requests for questions to the bar.
 - Hank Menninger (moderator) will review questions with the judges prior to the Town Hall.
- The members discussed the Debtor Electronic Bankruptcy Noticing Pilot. There were not many (if any) volunteers. Nick Zingarelli commented there are issues generally with their clients reading their emails and he's unsure if it would be effective.

- The members discussed the local rule changes for appraisal in Chapter 13 and the potential effect on appraisal work.

Updates:

- 1) Clerk's Office: No update.
- 2) Chapter 7 Trustee – Harold Jarnicki discussed the current trend for pro se filers to file applications to waive filing fees (IFP). He's concerned that they are not being reviewed before an order is entered. Judge Buchanan advised that the Clerk's office reviews each application and compares to the poverty guidelines for approval. There is, however, no additional level of proof of income required. Monica Kindt commented that the burden should be on the debtors but is currently on the Chapter 7 trustees to monitor these applications. Marge Burks commented she is also seeing more motions to pay filing fees in installments. Harold Jarnicki suggested hearings on IFP application or requiring pay stubs to be filed with the IFP application. Monica Kindt commented there is currently no procedure for the Clerk's office to refer IFP issues to the US Trustee.
- 3) Chapter 13: Marge Burks advised that the Southern District of Ohio Uniform Chapter 13 plan is being reviewed by our Judges and she hopes it will be circulated for comment soon. Mortgage mediation program is still in the works and is hopeful it can be rolled out in the Southern District. They are seeing less, but more complex cases, including more pro se cases. The proof of claim form change has been challenging. There was a discussion of creative ways to pay for student loans without treating them more favorably than other creditors, i.e., income contingent repayments plans through the Chapter 13 plan.
- 4) Chapter 11/Commercial: Andrew Simon reported that commercial bankruptcy activity locally is still low. There are still gold, oil and gas bankruptcies dominating the national bankruptcy scene. He commented on a recent article that Houston is now becoming a preferred venue for these cases. He also commented on the need to clarify the bar date for 503(b)(9). Finally, MRBS is now affiliated with ABI which brings its wealth of resources to our local practitioners.
- 5) Local Rules Issues: No update.
- 6) U.S. Trustee Update: Monica Kindt advised there were no Chapter 11 or 7 referrals to them lately. They are seeing an increase in pro se 727 motions. She commented that she has been working in Washington recently, specifically with attorney conduct issues, and it makes her appreciate the local debtor's bar and the excellent relationship between the bench and bar locally.
- 7) Consumer: No update beyond the pro se issues mentioned above.

Next meeting scheduled for Friday, September 16, 2016 at 11:00 A.M.
The meeting adjourned at approximately 1:00 pm.

Casey Cantrell Swartz – Acting Secretary